

## WORK SESSION AGENDA

October 19, 2021

5:00 p.m.

The purpose(s) of the meeting shall be for the Commission to receive, consider, discuss, deliberate and debate the matters listed herein below and such other public business as may lawfully be undertaken provided that no formal votes are to occur and no matters or issues will be formally decided upon at this meeting.

- I. Beer Ordinance ORD NO. 21-1202
- II. Body Armor for PD RES NO. 21-1439
- III. Senior Center Grant Application RES NO. 21-1440
- IV. Bank Card Signatures RES NO. 21-1441
- V. Any other business to discuss

# *City of Red Bank*

Hollie Berry  
Mayor

Martin Granum  
City Manager

## **BOARD OF COMMISSIONERS MEETING**

Agenda  
October 19, 2021  
6:00 p.m.

**I. Call to Order – Mayor Hollie Berry**

**II. Roll Call – City Manager**

Mayor Hollie Berry \_\_\_\_\_ Vice Mayor Stefanie Dalton \_\_\_\_\_, Commissioner Ruth Jeno \_\_\_\_\_,  
Commissioner Ed LeCompte \_\_\_\_\_ Commissioner Pete Phillips \_\_\_\_\_

**III. Invocation – Reverend Amy Nutt, White Oak United Methodist Church**

**IV. Pledge of Allegiance –**

**V. Consideration of the Minutes for approval or correction:**

- A. October 5, 2021 Agenda Work Session
- B. October 5, 2021 Commission Meeting

**VI. Communication from the Mayor**

**VII. Commissioner's Report**

- A. Vice Mayor Stefanie Dalton
- B. Commissioner Ruth Jeno
- C. Commissioner Ed LeCompte
- D. Commissioner Pete Phillips

**VIII. City Manager Report**

**IX. Unfinished Business**

A. ORDINANCE NO. 21-1201 AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND THE FISCAL YEAR 2022 OPERATING BUDGET TO INCLUDE COSTS ASSOCIATED WITH NEW CITY MANAGER SEARCH AND IMPLEMENTATION OF PLANNING COMMISSION PAY OF \$300 ANNUALLY FOR EACH MEMBER (second and final reading)

B. ORDINANCE NO. 21-1202 AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE TO AMEND THE RED BANK BEER ORDINANCE(S) CODIFIED AT TITLE 8, CHAPTER 2 SECTIONS 8-201 TO END, INCLUSIVE AND TO COMPREHENSIVELY REVISE AND SIMPLIFY THE SAME (first reading)

**X. New Business**

A. RESOLUTION NO. 21-1439 A RESOLUTION AUTHORIZING THE PURCHASE OF TWELVE (12) SETS OF BODY ARMOR FROM GT DISTRIBUTORS, INC., IN THE AMOUNT OF \$10,152.00 FOR THE POLICE DEPARTMENT

B. RESOLUTION NO. 21-1440 A RESOLUTION AUTHORIZING THE CITY OF RED BANK TO PARTICIPATE IN THE SENIOR CENTER GRANT PROGRAM

C. RESOLUTION NO. 21-1441 A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK, TENNESSEE, ADOPTING BANK FORM RESOLUTIONS AND AUTHORIZING SIGNORS FOR BANK SIGNATURE CARDS

**XI. Citizen Comments from Red Bank Citizens on Items not on the Agenda  
(3 minute limit)**

**XII. Adjournment**

*"Any invocation that may be offered before the official start of the Commission meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Commission and do not necessarily represent the religious beliefs or views of the Commission in part or as a whole. No member of the community is required to attend or participate in the invocation and such decision will have no impact on their right to actively participate in the business of the Commission."*

# *City of Red Bank*

*Hollie Berry*  
Mayor

*John Alexander*  
Interim City Manager

## **COMMISSIONERS AGENDA WORK SESSION**

Minutes  
October 5, 2021  
5:00 p.m.

The Board of Commissioners met in a public and duly advertised Agenda Work Session on September 21, 2021 at 5:00 p.m at the Community Center located at 3653 Tom Weathers Drive. The date, time and location of the meeting were advertised in the Chattanooga Times Free Press, on the City's Facebook page and on the City of Red Bank website together with instructions and an internet link to enable virtual attendance by the public. The purpose of the meeting was to receive information on and discuss upcoming business items. Those in attendance were Mayor Hollie Berry, Vice Mayor Stefanie Dalton, Commissioner Ruth Jenó, Commissioner Ed LeCompte and Commissioner Pete Phillips. Also present were Interim City Manager John Alexander, City Attorney Arnold Stulce, Jr., Fire Chief Brent Sylar, Deputy Fire Chief Eddie Iles, Police Chief Dan Seymour, Public Works Director Greg Tate, City Recorder Tracey Perry and those listed on Exhibit A.

### **I. Public Use Policy Draft 3 for discussion**

Mayor Berry spoke on the additional information she obtained late the day before regarding "Hold Harmless" notices and that the information was shared with all Commissioners for consideration. Discussion ensued. City Attorney Stulce recommended always requiring permittees to provide liability insurance listing the City as additionally insured to protect the City.

### **II. Storm Water discussion**

Interim City Manager Alexander explained that a billing discrepancy has been discovered in the Stormwater billing handled by Hamilton County. Discussion ensued on correcting the discrepancy.

### **III. Interlocal Agreement with HCSO for IT services RES. NO. 21-1435**

Chief Seymour explained that this is an annual and budgeted item for IT Services for the Police Department. Hamilton County has just asked that it be a three year contract moving forward.

### **IV. Temp Leaf Clean-up services RES NO. 21-1436**

Mayor Berry explained this is an annual occurrence and this Resolution is to approve a contract for temporary labor for leaf collection. She suggested citizens allow leaves to stay where they fall, for different benefits.

### **V. Purchase of Pedestrian Cross-walk Lights RES. NO. 21-1437**

Mayor Berry explained this Resolution is to approve the purchase from this vendor for installation of pedestrian activated crossing signals at various locations along Dayton Blvd.

### **VI. Pumper purchase for Fire Dept RES. NO. 21-1438**

Mayor Berry explained this is a budgeted item at \$581,628.00. Chief Sylar explained it will be to purchase a new truck, which is the functional equivalent of a 1979 model truck, which is being retired from service.

VII. Budget Amendment – New CM Assessment Process and Planning Commission Pay ORD.  
No. 21-1201

Mayor Berry explained that this is to allocate funds for the cost associated with the City Manager search and to implement compensation for the members of the Red Bank Planning Commission.

VII. Beer Ordinance No. 21-1202

Mayor Berry explained that the Ordinance still has some blank spaces for the Commission to fill in. Much discussion ensued. The Board reached a consensus to postpone the first vote for a few more weeks so that the Board and public can review the proposal before the vote occurs.

VII. Any other business to discuss

No other business.

VIII. The meeting was adjourned at 6:04 p.m.

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Mayor Hollie Berry

(Date)

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City Recorder Tracey Perry

(Date)

**BOARD OF COMMISSIONERS MEETING**

Minutes  
October 5, 2021  
6:00 p.m.

In the context of the currently existing COVID 19 virus pandemic, the City Commission of the City of Red Bank Tennessee met, in regular and duly advertised session, at the Red Bank Community Center. Notice of the meeting and instructions for virtually joining / monitoring same was duly advertised in the Chattanooga Times Free Press and by posting on the city's website and by posting written notice of same on the front door of City Hall.

- I. **Call to Order** – Mayor Hollie Berry called the meeting to order at 6:11 p.m.
- II. **Roll Call** – Interim City Manager John Alexander called the roll. Mayor Berry, Vice Mayor Stefanie Dalton, Commissioner Ruth Jenó, Commissioner Ed LeCompte, and Commissioner Pete Phillips were present. Also present was City Attorney Arnold Stulce, Jr.; Interim City Manager John Alexander; Police Chief Dan Seymour; Fire Chief Brent Sylar; Deputy Fire Chief Eddie Iles; Public Works Director Greg Tate; City Recorder Tracey Perry and those listed on Exhibit A.
- III. **Invocation – Reverend Eric Duple, Red Bank Presbyterian**  
Reverend Duple was present and led the prayer at Invocation.
- IV. **Pledge of Allegiance – Interim City Manager John Alexander**
- V. **Consideration of the Minutes for approval or correction:**
  - A. **September 21, 2021 Agenda Work Session**  
Vice Mayor Dalton made a motion to approve as written, seconded by Commissioner Jenó. Motion carried with all Commissioners voting "yes".
  - B. **September 21, 2021 Commission Meeting**  
Vice Mayor Dalton requested spelling amendment. Commissioner Jenó made a motion to approve as amended, seconded by Commissioner LeCompte. Motion carried with all Commissioners voting "yes".
- VI. **Communication from the Mayor**
  - The City is planning the Christmas Parade for December 3. Please reach out with suggestions or event ideas.
  - Attended the Bike Walk Symposium last week in Cleveland, TN.
  - The City of Red Bank has submitted an application for the Multi-modal Grant for a sidewalk project, which has been accepted for consideration.
  - The next Red Bank Community Food Pantry will be Thursday, October 7 from 5:00 to 6:30 pm. at Red Bank United Methodist Church. It will be a drive through model. Chattanooga Free Store will also be there.
  - The Trust for Public Land has raised the funds they needed to complete the White Oak Stringer's Ridge Connector Trail.
  - Leaf season is here. An alternative to having leaves collected is to leave them where they are. It benefits wildlife and reduces the cost to the City.
  - Today is John Alexander's last meeting as Interim City Manager. Thank you for all of your hard work.

## **VII. Commissioner's Report**

### **A. Vice Mayor Stefanie Dalton**

- Welcome everyone.
- Thanks to all City employees for all they do.
- It is Domestic Violence Awareness Month and Mental Illness Awareness Week. Local Resources: Family Justice Center, Partnership for Families, Children and Adults or call the statewide Crisis Line at 855-274-7471.
- Culture Chatt will be this weekend, October 9, at White Oak Park from 9 AM to 12PM. They will be celebrating South American Culture.
- Thanks to McKayla Winter of Community Redistricting Project for being my first guest speaker on my Instagram Porch Talk.
- Also had a great experience at the Bike Walk Symposium.
- America's Gardens is now online.
- Hamilton County Schools are on Fall Break next week.
- October 22 is Red Bank High School's Homecoming Football Game.
- Congratulations to the Red Bank High School Marching Band for 3 first place scores in their recent competition.

### **B. Commissioner Ruth Jeno**

- Welcome everyone – especially former Commissioners Tyler Howell and former long-time Planning Commission member David Halfley.
- Thanks to the Fire Dept for fast action last week.
- Special Guest – Emma Carter – Political Philosophy in Government student – she was presented with a City pin.

### **C. Commissioner Ed LeCompte**

- Welcome everyone.
- Thanks to all City employees for keeping the City running.

### **D. Commissioner Pete Phillips**

- Thanks to everyone for coming out.
- Thanks to John Alexander for all he's done.
- Glad to be addressing the Beer Ordinance.
- Glad to be creating a written Public Facilities Use Policy.
- Thanks to Vice Mayor Dalton for her attention in the re-districting process.
- Christmas Parade is coming up. We need sponsors and vendors.

## **VIII. City Manager Report**

- Happy to see the interest with the citizens attending the meeting this evening.
- Anxious for new City Manager, Matin Granum, to arrive and assume his duties.

## **IX. Promotional Ceremonies for Fire Chief Brent Sylay and Public Works Director Greg Tate**

Mayor Berry made a motion to table this item, seconded by Vice Mayor Dalton. This item will be brought back in front of the Commission November 2, 2021.

## **X. Unfinished Business**

### **A. ORDINANCE NO. 21-1200 AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND FISCAL YEAR 2022 OPERATING BUDGET TO INCLUDE A PAY INCREASE FOR PART-TIME FIRE FIGHTERS (second and final reading)**

Mayor Berry summarized and stated the intent of the Ordinance i.e. amending the Fire Department budget to appropriate funds for the proposed part-time fire fighter pay increase to \$13.70 per hour. Vice Mayor Dalton made a motion to approve, seconded by Mayor Berry. Some discussion. No citizen comments. Roll Call Vote: Mayor Berry "yes", Vice Mayor Dalton "yes", Commissioner Jeno "yes", Commissioner LeCompte "yes" and Commissioner Phillips "yes". Ordinance No. 21-1200 passed on second and final reading.

**XI. New Business**

**A. RESOLUTION NO. 21-1435 A RESOLUTION APPROVING A THREE YEAR INTERLOCAL AGREEMENT BETWEEN THE CITY OF RED BANK, TENNESSEE AND HAMILTON COUNTY, TENNESSEE AND THE HAMILTON COUNTY SHERIFF'S OFFICE RELATING TO INFORMATION TECHNOLOGY SERVICES WITH AUTOMATIC RENEWAL EACH YEAR THEREAFTER**

Mayor Berry summarized and stated the intent of the Resolution i.e. approving an interlocal agreement between the City of Red Bank and the Hamilton County Sheriff's Office relating to Information Technology Services. Commissioner Phillips made a motion to approve, seconded by Commissioner Jeno. Some discussion. No citizen comments. Roll Call Vote: Mayor Berry "yes", Vice Mayor Dalton "yes", Commissioner Jeno "yes", Commissioner LeCompte "yes" and Commissioner Phillips "yes". Resolution No. 21-1435 passed with all Commissioners voting "yes".

**B. RESOLUTION NO. 21-1436 A RESOLUTION AUTHORIZING AN AGREEMENT WITH TOTAL RESOURCE INC., IN AN AMOUNT NOT TO EXCEED \$18,000.00, FOR TEMPORARY LABORER I SERVICES**

Mayor Berry summarized and stated the intent of the Resolution i.e. approving a contract for temporary labor for leaf collection. Commissioner LeCompte made a motion to approve, seconded by Commissioner Phillips. Some discussion. Stephen Olmstead, 3316 Martin Rd spoke on mulching leaves and suggested creating a leaf collection site for use by the residents. Shaina Otterpohl, 1696 Westover Lane expresses similar sentiments. No further citizen comments. Resolution No. 21-1436 passed with all Commissioners voting "yes".

**C. RESOLUTION NO. 21-1437 A RESOLUTION AUTHORIZING THE PURCHASE OF SOLAR POWERED RAPID FLASHING PEDESTRIAN CROSS-WALK LIGHTS FROM STANSELL ELECTRIC COMPANY, INC, IN THE AMOUNT OF \$42,700.00 FOR THE PUBLIC WORKS DEPARTMENT**

Mayor Berry summarized and stated the intent of the Resolution i.e. approving a quote to purchase and install cross-walk lights at various locations along Dayton Blvd. Commissioner Jeno made a motion to approve, seconded by Commissioner Phillips. Some discussion. Jane West, 110 Brentwood Dr and Lori Kyle, 3406 Redding Rd spoke generally favorably regarding the concept. No further citizen comments. Resolution No. 21-1437 passed with all Commissioners voting "yes".

**D. RESOLUTION NO. 21-1438 A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK, TENNESSEE AUTHORIZING THE PURCHASE OF ONE NEW 1500GPM SPARTAN STAR SERIES PUMPER APPARATUS, IN THE AMOUNT OF \$581,628.00, FOR THE FIRE DEPARTMENT**

Mayor Berry summarized and stated the intent of the Resolution i.e. approving a contract for the build and purchase of a Pumper Truck for the Fire Department, which is a budgeted item and replaces an old truck acquired in 1979. Vice Mayor Dalton made a motion to approve, seconded by Commissioner LeCompte. Some discussion. No citizen comments. Resolution No. 21-1438 passed with all Commissioners voting "yes".

**E. ORDINANCE NO. 21-1201 AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND FISCAL YEAR 2022 OPERATING BUDGET TO INCLUDE COSTS ASSOCIATED WITH NEW CITY MANAGER SEARCH AND IMPLEMENTATION OF PLANNING COMMISSION PAY OF \$300 ANNUALLY FOR EACH MEMBER (first reading)**

Mayor Berry summarized and stated the intent of the Ordinance i.e. amending the Legislative budget to appropriate funds for the proposed compensation for members of the Planning Commission and to cover the cost associated with the City Manager search. Vice Mayor Dalton made a motion to approve, seconded by Commissioner Jeno. Some discussion. No citizen comments. Roll Call Vote: Mayor Berry "yes", Vice Mayor Dalton "yes", Commissioner Jeno "yes",



Commissioner LeCompte “yes” and Commissioner Phillips “yes”. Ordinance No. 21-1201 passed on first reading.

**F. ORDINANCE NO. 21-1202 AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE TO AMEND THE RED BANK BEER ORDINANCE(S) CODIFIED AT TITLE 8, CHAPTER 2 SECTIONS 8-201 TO END, INCLUSIVE AND TO COMPREHENDINGLY REVISE AND SIMPLIFY THE SAME (first reading)**

Mayor Berry summarized and stated the intent of the Ordinance i.e. amending the Red Bank Beer Ordinance. Some discussion. Commissioner Phillips made a motion to table this Ordinance until the public has seen the amendments made in the Work Session earlier this evening, seconded by Commissioner Jeno. Citizen comments as follows:

Lori Kyle, 3406 Redding Rd – spoke on revenue brought in with beer and liquor licenses

Stephen Olmstead, 3316 Martin Rd – thanked the Board for postponing the vote and spoke on impressionable children

Don McKenzie, 110 Brentwood Dr – spoke in support of “modernizing” the City

Kathy Lennon, 401 Crisman St – thanked the Board for wanting to move forward

Andrea Abercrombie, 409 E. Midvale Ave – appreciates the delay on voting on this Ordinance

Jamie Kerns, 400 Crisman St – spoke on the beer ordinance setback and impressionable children

Shaina Otterpohl, 1696 Westover Ln – spoke on the impact of Social Media and peer pressure on children

Jane West, 110 Brentwood Dr – spoke in support of the beer ordinance

Ordinance 21-1202 was tabled with all Commissioners voting “yes”.

**XII. Citizen Comments from Red Bank Citizens on Items not on the Agenda (3 minute limit)**

**Lori Kyle, 3406 Redding Rd** – spoke on the Chattanooga Free Store and ideas for the Christmas Festival

**Don McKenzie, 110 Brentwood Dr** – thanked John Alexander for stepping up as City Manager and for working on the Storm water fee issue that was discussed in the Work Session tonight

**Davis Guedron, 4810 Stagg Rd** – inquired on the Storm water fee issue

**Shaina Otterpohl, 1696 Westover Ln** – inquired on the impact of local waterways by our Storm water runoff

**Eric Duble, 109 Narragansette Ave** – thanked the City of Red Bank Police & Fire Departments for their assistance in his automobile accident in August of this year

**Jamie Kerns, 400 Crisman St** – inquired on the Public Facilities Use Policy discussed in the Work Session

**Callie LeCompte, 2528 Lyndon Ave** – spoke on the concept of liability insurance requirements for using City owned property

**Kathy Lennon, 401 Crisman St** – also spoke on the need for insurance to protect the interests of all involved

**XIII. Adjournment**

A motion to adjourn was made by Commissioner Jeno, seconded by Commissioner LeCompte. Motion carried with all Commissioners voting “yes”. The meeting was adjourned at 7:20 p.m.

\_\_\_\_\_  
Mayor Hollie Berry

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Recorder Tracey Perry

\_\_\_\_\_  
Date

## ORDINANCE NO. 21-1201

### AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND FISCAL YEAR 2022 OPERATING BUDGET TO INCLUDE COSTS ASSOCIATED WITH NEW CITY MANAGER SEARCH AND IMPLEMENTATION OF PLANNING COMMISSION PAY OF \$300 ANNUALLY FOR EACH MEMBER

**WHEREAS**, the City of Red Bank, Board of Commissioners approved Ordinance No. 21-1194 setting and fixing the Fiscal Year 2022 Operating Budget; and

**WHEREAS**, the 2022 Operating Budget, as approved, did not include costs associated with the new City Manager search or the implementation of Planning Commission pay; and

**WHEREAS**, after due consideration of available funding and fiscal impact, the City Commission desires to amend the FY 2022 Operating Budget to include the costs associated with the new City Manager search and implementation of Planning Commission pay; and

**WHEREAS**, the cost associated with the new City Manager search, including hotel, airfare, car rental, mileage reimbursement, per diem and incidentals totaled \$5,308.84; and

**WHEREAS**, the implementation of the Planning Commission pay of \$300.00 each, annually, paid to each member monthly, in the amount of \$25.00 each, for a total of \$1500.00, shall be retroactive to July 1, 2021, for all City of Red Bank Planning Commission members, who are currently serving on the Red Bank Planning Commission as of the date of passage of this Ordinance on second and final reading.

**NOW, THEREFORE BE IT ORDAINED** by the Commission of the City of Red Bank Tennessee, as follows:

SECTION 1. That the 2022 Fiscal Year Operating Budget is hereby amended to include funding as provided:

#### **GENERAL FUND**

##### **REVENUE**

##### **LEGISLATIVE**

Fund Balance	\$ 6,808.84
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<b>TOTAL REVENUES</b>	<b>\$ 6,808.84</b>
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##### **EXPENDITURES**

##### **LEGISLATIVE**

<i>Supplies</i>	\$ 169.85
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<i>Travel</i>	\$ 5,138.99
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<i>Salaries</i>	\$1,500.00
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<b>TOTAL EXPENDITURES</b>	<b><u>\$6,808.84</u></b>
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SECTION 2. This Ordinance shall take effect upon the date of its passage upon second and final reading, the welfare of the citizens of the City of Red Bank requiring it.

\_\_\_\_\_  
Mayor Hollie Berry

\_\_\_\_\_  
City Recorder Tracey Perry

\_\_\_\_\_  
October 5, 2021

\_\_\_\_\_  
PASSED ON FIRST READING

\_\_\_\_\_  
PASSED ON SECOND AND FINAL READING

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney Arnold Stulce, Jr.

## **ORDINANCE 21-1202**

### **AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE TO AMEND THE RED BANK BEER ORDINANCE(S) CODIFIED AT TITLE 8, CHAPTER 2 SECTIONS 8-201 TO END, INCLUSIVE AND TO COMPREHENSIVELY REVISE AND SIMPLIFY THE SAME**

**WHEREAS**, the City Commission has undertaken extensive review, study and examination of the City's regulations and Ordinances with respect to the manufacture, sale and distribution of beer in the City of Red Bank; and

**WHEREAS**, multiple members of the City Commission have solicited and received substantive and valuable input from citizens of Red Bank with respect to the topic; and

**WHEREAS**, the City Commission has extensively and comprehensively studied, discussed and exchanged ideas and opinions and conclusions based on the above referenced actions and have also comparatively analyzed the beer regulations/ordinances format of other and nearby municipalities of comparable size; and

**WHEREAS**, a majority of City Commissioners have concluded that significant revisions of and to the City regulations and ordinances with respect to the manufacture, provision and sale of beer are desirable, necessary and appropriate for the betterment of the City.

**NOW THEREFORE**, be it ordained by the City Commission of the City of Red Bank as follows:

#### Section 1:

Chapter 2. Beer of Title 8, Chapter 2, Sections 8-201-241, inclusive, of the Red Bank City Code is deleted in its entirety and there is substituted in its place and stead the following:

8-201. Beer board established. There is hereby established a beer board to be composed of the board of commissioners. The mayor shall be the chairman of the beer board.

8-202. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall hold regular meetings at the city hall at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chair provided the chair gives reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place located at a City owned or other public facility in the City of Red Bank.

8-203. Record of beer board proceedings to be kept. The recorder shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain

at least the following: The date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board.

8-204. Requirements for beer board quorum and action. The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote.

8-205. Powers and duties of the beer board. The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this municipality in accordance with the provisions of this chapter.

8-206. "Beer" defined. The term "beer" as used in this chapter shall mean beer, ale or other malt beverages, or any other beverages having an alcoholic content of not more than eight percent (8%) by weight, except wine as defined in Tennessee Code Annotated, § 57-5-101; provided, however, that no more than forty-nine percent (49%) of the overall alcoholic content of such beverage may be derived from the addition of flavors and other non-beverage ingredients containing alcohol.

8-207. Permit required for engaging in the manufacture, sale and/or distribution of beer. (a) It shall be unlawful for any person or entity to sell, store for sale, distribute for sale, or manufacture or brew beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board through the City Manager shall prescribe and/or furnish, and pursuant to Tennessee Code Annotated, § 57-5-104(a), shall be accompanied by a non-refundable application fee of two hundred fifty dollars (\$250.00). Each applicant must be a person of good moral character and must certify that such persons has read and is familiar with and agrees to abide by the provisions of this chapter.

(b) It shall be unlawful for any person not holding a permit for the manufacture, brewing or sale of beer or other beverages of like alcoholic content to manufacture, distribute, sell or offer for sale beer or other beverages of like alcoholic content at any time within the city. Permits, once issued, are not transferable to any other person, corporation or entity and are specifically limited to the address/premises for which same is issued.

8-208. Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer a privilege tax of one hundred dollars (\$100.00). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax each successive January 1 to the City of Red Bank, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date.

8-209. Beer permits shall be restrictive. All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing,

distributing, and manufacturing. Beer permits for retail sale of beer may be further restricted so as to authorize sales only for off premises consumption. A single permit may be issued for on premise and off premise consumption. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his, her or its permit. It shall likewise be unlawful for the Permittee not to comply with any and all express restrictions or conditions in any such permit.

8-210. Permits. Permits issued by the beer board shall consist of two (2) classes: on premises consumption and off premises consumption:

(1) On premises permit. An on-premises permit shall be issued for the consumption of beer on the Permitted/Licensed premises. There are seven (7) classifications of on premises consumption permits:

(a) Restaurant Permit: (1) A restaurant permit/license authorizes the sale of beer for on premises consumption in an establishment where more than fifty (50%) percent or more of the gross receipts of such establishment is derived from the sale of food, or items other than alcoholic beverages and/or "Beer" as defined elsewhere in this Chapter and code.

(2) A restaurant license shall authorize the licensee to sell alcoholic beverages, in conjunction with the sale and service of food or "Beer" only, in areas or other designated areas of such restaurant(s) including without limitation outdoor service areas as provided for herein.

(3) Outdoor dining areas must be contiguous to and attached to the licensed building premises and shall have only one means of ingress and egress for customers into and through the licensed building premises unless by special exception permit issued by the Red Bank City Commission. Outdoor service areas shall and must be enclosed by fencing or railing not less than three (3') feet in height and may, but shall not be required to, follow the screening requirements of Chapter 9, Section 14-901 of the City of Red Bank Zoning Ordinance. Such outdoor dining areas that serve beer must meet all minimum distance requirements of the Red Bank Liquor Ordinance, if any, and must not encroach upon any city or public right-of-way, street or sidewalk and must be so situated so as not to, in the judgment of the Red Bank City Manager, or designee, impede any sight line distance policies or best practices with respect to nearby roadways. Such outdoor dining areas shall be under the sole and exclusive control of the licensee. Such outdoor dining areas shall necessarily be located / set back not less than ten feet (10 ft.) from the paved/travelled portion of any public roadway.

(4) Outdoor dining areas may allow live singing, live music or other entertainment or performance and/or recorded music, singing, television or other entertainment media as long as the same shall not be audible off of the licensed premises to the unaided human ear in either any enclosed vehicle or inside any adjacent or nearby enclosed building premises and/or within any residence with windows and doors closed located in any nearby or adjacent residential zone. No entertainment media of any sort, audible off of the licensed premises regardless of distance shall be allowable between the hours of 11:00 p.m. and 8:00 a.m.

(b) Tavern Permit: (1) A tavern permit/license authorizes the sale of alcoholic beverages for on premises consumption in an establishment where less than fifty (50%) percent of the gross receipts of such establishment is derived from the sale of food, or items other than alcoholic beverages and/or “Beer” as defined elsewhere in this Chapter and code.

(2) A tavern license shall authorize the licensee to sell alcoholic beverages, in conjunction with the sale and service of food only, in areas or other designated areas of such tavern(s) including without limitation outdoor service areas as provided for herein. “Food” shall include but not be limited to snack foods, “chips” and pre-packaged for consumption foods.

(3) Outdoor service areas must be contiguous to and attached to the licensed building premises and shall have only one means of ingress and egress for customers into and through the licensed building premises unless by special exception permit issued by the Red Bank City Commission. Outdoor service areas shall and must be enclosed by fencing or railing not less than three (3') feet in height and may, but shall not be required to, follow the screening requirements of Chapter 9, Section 14-901 of the City of Red Bank Zoning Ordinance. Such outdoor service areas that serve beer must meet all minimum distance requirements of the Red Bank Liquor Ordinance, if any, and must not encroach upon any city or public right-of-way, street or sidewalk and must be so situated so as not to, in the judgment of the Red Bank City Manager, or designee, impede any sight line distance policies or best practices with respect to nearby roadways. Such outdoor service areas shall be under the sole and exclusive control of the licensee. Such outdoor service areas shall necessarily be located / set back not less than ten feet (10 ft.) from the paved/travelled portion of any public roadway.

(4) Outdoor service areas may allow live singing, live music or recorded music, singing, television or other entertainment media as long as the same shall not be audible off of the licensed premises to the unaided human ear in either any enclosed vehicle or inside any adjacent or nearby enclosed building premises and/or within any residence with windows and doors closed located in any nearby or adjacent residential zone. No entertainment media of any sort, audible off of the licensed premises regardless of distance shall be allowable between the hours of 11:00 p.m. and 8:00 a.m.

(c) Craft Brewers Permit. A craft brewer’s sampling license and permit may issue to a licensed manufacturer of beer to permit samples of the beer(s) brewed on the licensed premises to be consumed on premises for tasting as part of a marketing effort for such beer(s) subject to the following conditions and restrictions:

(1) The consumer/person to whom the sample is provided must be of legal age to purchase beer;

(2) Samples are limited to a maximum of ten (10) ounces per person per day;

(4) All consumption and/or sampling under a craft brewer's sampling license which occurs out of doors shall be required to adhere to the same standard as set forth in § 3-210(4)(3) and (4) of this Ordinance.

(5) All other terms, provisions and conditions of title 2, Chapter 2, et



(3) Samples shall be provided inside the building premises and/or in an enclosed courtyard setting;

(4) All consumption and/or sampling under a craft brewer's sampling license which occurs out of doors shall be required to adhere to the same standard as set forth in § 8-210(A)(3) and (4) of this Ordinance.

(5) All other terms, provisions and conditions of title 8, chapter 2, et seq. of the Red Bank City Code that are not expressly contradictory to the terms hereof and any statutes, rules or regulations imposed or enacted by the State of Tennessee and any of its applicable subdivisions shall remain in full force and effect;

(6) No "free" samples shall be given except in the circumstance of a credit against the price of on-side brewed product actually contemporaneously purchased, by the permit holder.

(d) Growler Permit. Any permittee holding either a restaurant, tavern or craft brewer's sampling license may also engage in the sale of beer, as otherwise defined herein, for off-premises consumption in the context of and with the utilization of a carry-out container commonly referred to as a "growler," defined for these purposes as a glass, stainless steel, or ceramic reusable container with a screw on cap or a hinged porcelain gasket cap the size of which containers shall not be less than thirty-two U.S. fluid ounces (32 oz.) and the size of which shall not exceed sixty-four U.S. fluid ounces (64 oz.). Beer sold in growler(s) may not be consumed on the premises where sold.

(1) Vendors shall utilize on-premises sanitized growlers, as defined herein, with a sealed cover or plastic shrink wrapped cover over the screw on cap or hinged gasket porcelain stopper for all growler sales. Refilling a customer's growler without the growler being first sterilized and sanitized by the licensee is not permitted.

(2) Any licensee possessing either a restaurant, tavern or craft brewer's sampling license on October 7, 2014, may apply for a growler permit endorsement at city hall without charge. For all future licensees for restaurant, tavern or craft brewer's sampling licenses, permission to engage in growler sales shall be an integrated part of such restaurant, tavern or craft brewer's sampling license(s).

(e) Special Event Permits. (a)(i) The beer board is authorized to issue special event permits to bona fide charitable, non-profit or political organizations or to private parties, proprietorship type businesses, corporations or LLCs for private, occasional or social events for Special Events, provided that such special event permits shall be subject to all other requirements of this chapter and of the Red Bank City Code governing the sale of beer. The beer board is authorized, but is not required, to include provision in any such permit/permitting process limited outside/out of door sales and consumption, subject to reasonable time, space, and public security requirements as the beer board may impose in such Special Event Permit from time to time and based on recommendation of the City Manager and the Red Bank Chief of Police or their respective designees. Allowable places may include, but need not necessarily be limited to City of Red Bank parks and/or other

facilities if space is reserved therein under then existing practices and policies of the City of Red Bank with respect to such reservations.

(ii) No private party, corporation or LLC that is not a bona fide charitable, or non-profit organization as defined under this section, shall engage in the sale of beer with a special event permit but shall be eligible to use such permit to provide beer for on site social consumption free of charge to its private event invitees and/or provide beer as a part of its special or occasional private social event(s) license. The provision of the subsection does not prevent a Special Event Permit holder from charging an admission fee to or for any such Special Event.

(iii) No more than on one day on four occasions within any running 12 month period, it shall be permissible for a business entity, in the context of a grand opening, re-opening business or other marketing promotion to distribute beer free of charge, inside the business premises, to patrons, customers, intended customers or invitees without a special events license provided same shall only be permitted only between the hours of 11:00 a.m. and 10:00 p.m. on such allowable but limited day and time intervals and open at least seven (7) days prior written notice to the City Manager.

(b) The special event beer permit application fee is set at one hundred dollars (\$100.00), which fee is non-refundable. In each such application, each permit applicant shall specify measures to be taken by applicant/permittee to prohibit purchase or consumption by underage individuals and the beer board shall be specifically entitled to impose conditions as the contemplated special event may merit from time to time with respect to the issuance of the special event permit with respect thereto. Such measures shall always include at least:

(i) A visible physical separation barrier outside of which no beer may not be distributed, consumed or sold, and

(ii) Each person to whom beer is provided shall wear a visible badge(s), bracelets, pins, etc. which signify that the wearer has been prescreened by the permit holder as to the bearer's age.

(c) The special event permit shall not be issued for longer than one forty-eight (48) hour period unless otherwise specified, subject to the limitations on the hours of sale (distribution for consumption) imposed by this Ordinance. The application for the special event permit shall state whether the applicant is a charitable, non-profit or political organization or a private party, corporation or LLC holding a special event, include documents showing evidence of the type of organization, and state the location of the premises upon which alcoholic beverages shall be served and the purpose of the request of the license.

(i) Any violations of the hours of operation/distribution and/or the noise and sound restrictions found elsewhere in this Ordinance may result in immediate revocation of the Special Events Permit.

(d) For purposes of this section:

(i) Bona fide charitable or non-profit organization means any corporation which has been recognized as exempt from federal taxes under section 501(c) of the Internal Revenue Code and/or as a non-profit Tennessee corporation in good standing with the Secretary of State of Tennessee as of the date of the application and issuance of the permit.

(ii) Bona fide political organization means any political campaign committee as defined in Tennessee Code Annotated § 2-10-101(a) or any political party as defined in Tennessee Code Annotated § 2-13-101.

(e) The beer board may impose such additional requirements and conditions upon the special events permittee and permit under such as it shall deem necessary for the health, safety and security of the citizens of the City of Red Bank. No person, organization, political organization, private party, corporation or LLC shall be eligible to receive more than four (4) special event permits in any running twelve (12) month period.

(f) No special event permit holder possessing a special event permit shall purchase, for sale or distribution, beer from any source other than a licensee as provided pursuant to state law.

(g) Failure of the special event permittee to abide by and adhere to the conditions of the permit and all laws of the State of Tennessee and the City of Red Bank will result in a denial of a special event beer permit for the sale or distribution of beer for a period of one (1) year as well as the imposition of any and all other applicable fines and/or penalties.

(h) Nothing contained herein shall be construed so as to limit the imposition of any criminal penalties which might otherwise apply by reason of any violation of any ordinance of the City of Red Bank and/or laws of the State of Tennessee, except that distribution, sale or consumption in compliance with the terms and subject to the limitations of any such permit as herein provided and within the defined and confined and designed physical space shall not be grounds for citation or prosecution by the City of Red Bank for violation of any open container or public consumption ordinance or statute.

(f) Catering Permits.

Caterer means a business engaged in offering food and beverage service for a fee at various locations, which (1) operates a permanent catering hall on an exclusive basis; (2) has a complete and adequate commercial kitchen facility; and (3) is licensed as a caterer by the

Tennessee Alcoholic Beverage Commission Tennessee Department of Health and by either the City of Red Bank or the City of Chattanooga.

A caterer licensed to operate in either the City of Red Bank or the City of Chattanooga shall obtain the necessary beer permit as contemplated by this Ordinance.

In addition to the other requirements of this Ordinance:

(1) A beer permit shall not be issued to a caterer that does not hold a valid caterer's license from the State of Tennessee's Alcoholic Beverage Commission for sale and consumption of wine and other alcoholic beverages pursuant to Chapter 4, Title 57 of the Tennessee Code Annotated. Should the holder of a caterer's permit cease to hold a valid caterer's license from the state Alcoholic Beverage Commission, such caterer's beer permit shall be automatically deemed revoked by the Beer Board.

(2) A beer permit shall not be issued to a caterer that does not hold a valid retailer's "on-sale" permit for its permanent catering hall located in either the City of Red Bank or the City of Chattanooga issued pursuant to the provisions and requirements of this subsection.

(3) All caterers with a beer permit shall give advance notice to the Beer Board and to the Red Bank Police Department of each site or locations where beer will be, provided, sold and consumed. Such notice shall include, but not be limited to, the date, time, and location of the event five (5) days prior to the date of the scheduled event.

(4) A beer permit issued to a caterer shall not be valid for the sale and consumption of beer on any premises for which a vendor's on-premises consumption or off-premises consumption permit has been revoked within the past twelve month period, nor shall a caterer use a beer permit for the sale and consumption of beer on any premises owned or leased by a person, firm, corporation, joint-stock company, syndicate, or association having at least a five percent (5%) ownership interest in the establishment that has had a vendor's on-premises consumption or off-premises consumption permit revoked within the past twelve (12) month period.

(5) A caterer's permit is valid for each catering site, provided that the notice requirements of this Ordinance above are met.

(2) Off premises permits. An off-premises permit may be issued for the sale of beer for consumption of beer off the premises only.

(a) Off premises consumption permit holders may also be eligible for issuance of a Growler Permit as provided hereinabove. Unless also eligible for and subject to the issuance of a Craft Brewer's Permit as provided hereinabove, no sampling or tasting of beer sold in Growlers shall be permitted by the holder of an off premises permit with only a Growler endorsement.

8-211. Sale of beer for both on premises and off premises consumption. A single permit may be issued to sell beer for both on premises and off premises consumption at the same location.

8-212. No permit shall issue for the sale of beer for any premises operating or classified as an Adult Oriented Entertainment Establishment as defined by the Red Bank Zoning Ordinance and which is located within five hundred feet (500') of any church, school, place of worship, park or day care center.

8-213. Denial of Permit Applications. No permit required by this ordinance shall be issued where the operation of the business conducted thereunder may reasonably, within judgment if the City Manager and/or Chief of Police cause congestion of traffic, interfere with schools, churches, parks or other places of public assembly, or otherwise interfere with the public health, safety and morals, or where this article or any other law would be violated, including, but not limited to, the zoning laws provided further no permit required by this division shall be issued where a person, firm, corporation, joint stock company, LLC, partnership, syndicate, or association having at least a five percent (5%) ownership interest in the applicant has been convicted of any violation of the laws against possession, sale, manufacture or transportation of beer or other alcoholic beverages or any crime involving moral turpitude within the past ten (10) years, or has had a permit under this chapter revoked within the preceding twelve (12) months/to one (1) year or is currently under suspension. The Board, in its discretion, may determine that issuance of a license or permit before the expiration of one (1) year from the date of revocation becomes final is appropriate, if the individual applying for such issuance is not the original holder of the license or any family member who could inherit from such individual under the statute of intestate succession.

8-214. Prohibited conduct or activities by beer permit holders, employees and persons engaged in the sale of beer.

(A) Revocation of Permit; Penalty. It shall be unlawful for any beer permit holder, employee or person engaged in the sale of beer to:

(1) Sell or provide gratuitously or allow any person to provide beer to any person under twenty-one (21) years of age or to allow any such person to consume beer on the permitted premises.

(2) Employ any minor under eighteen (18) years of age in the sale, storage, distribution or manufacture of beer.

(3) Allow any person under twenty-one (21) years of age to loiter in or about the permitted place of business.

(4) Make or allow any sale of beer to any person reasonably appearing to be under the influence of alcohol or any drug or other substance and or any intoxicated person or to any feeble-minded, insane, or otherwise mentally incapacitated person.

(5) Allow persons apparently under the influence of any alcoholic beverages or drug or narcotic or any drunk persons to loiter about his premises.

(6) Serve, sell, or allow the consumption on his premises of any alcoholic beverage with an alcoholic content of more than eight percent (8 %) by weight unless the vendor shall also hold a separate permit/license from the State of Tennessee to sell alcoholic beverages "by the drink".

(7) Fail to IMMEDIATELY report any fights or disorders on the permitted premises to the Red Bank Police Department.

(8) Fail to provide and maintain separate sanitary toilet facilities for men and women, except that in the case of an existing as of the date of the final passage of this Ordinance building premises which have only one or two restrooms, either or both of which shall only have one toilet installed in either or both restroom(s), such restroom(s) may be marked with appropriate signage to designate same for family usage or for usage by either/any gender.

(9) Operate a disorderly place

(10) Allow fighting or boisterous or disorderly conduct on the premises

(11) Employ any person who has been convicted by final judgment of a court of competent jurisdiction of any felony or of a crime involving moral turpitude;

(12) Allow minors to congregate about the premises

(13) Sell or transfer the equipment or assets of the business authorized by the applicable permit to another person

(14) Make a false statement of a material fact in any application or notice to the board

(15) Sell, furnish, dispense or allow to be used or consumed, any beer or other alcoholic beverages to any person under the age of twenty-one (21) years

(16) Deny access to any portion of the premises at which the sale of beer is permitted, whether or not that portion of the premises is used for the sale of beer, to any policeman or inspector or authorized designee of the Beer Board

(17) Allow a minor, as such term is defined in Tennessee Code Annotated, § 1-3-105(29), in his employ to sell beer

(18) Allow any violation of any provision of this article to occur on the licensed premises

(19) Allow any violation of the rules and regulations of the Hamilton County Health Department

(20) Consume or permit any employee to consume any beer or any alcoholic beverage while on the premises, or to be intoxicated while on the premises

(21) Allow litter or debris to accumulate in or around the premises, including the sidewalks and streets adjacent thereto; and/or fails to provide and maintain adequate solid waste containers

(22) Permit to be performed, offer to perform, perform or allow customers, employees or entertainers or any person to perform sexual intercourse or oral or anal copulation or other contact stimulation of the genitalia on the premises.

(23) Encourage or permit any person upon the premises to touch, caress, or fondle the breasts, buttocks, anus or genitals of any other person.

(24) Permit any licensee operator, entertainer, employee, or customer to be unclothed or in such attire, costume, or clothing so as to expose to view any portion of the sex organs, areola or nipple of breasts or buttocks of said operator, entertainer, or employee or customer with the intent to arouse or gratify the sexual desires of the operator, entertainer, employee or customer.

(25) Permit any entertainer, employee or customer to have any physical contact with any other entertainer, employee or customer on the premises during any performance and all performances shall only occur upon a stage at least eighteen inches (18") above the immediate floor level and removed at least six feet (6') from the nearest entertainer, employee and/or customer.

(26) Permit any display of any films or pictures, videos or other media of any kind depicting any live performance of acts which are prohibited by subparagraphs (22) through (26) of this section.

(B) In addition to other grounds of revocation as otherwise provided in this Ordinance, the violation of any of the provisions of this chapter or this section or any false statement by any applicant on his application for a license and permit shall, in addition to any other penalty provided by law, constitute sufficient grounds for the revocation of the license and permit issued to such permit holder, and the beer board may also, in its discretion, revoke a license and permit for due cause not specified herein.

(C) Penalty. In addition to the provisions of § 8-215 and 8-216, infra, any violation of this subsection, each instance constituting a separate violation, shall be punishable by a fine of not more than fifty dollars (\$50.00). Violation of any of the provisions of this subsection 8-214(a) this article shall also constitute grounds for the revocation of the license, or for a suspension in the discretion of the beer board and otherwise provided in this Ordinance.

8-215. Revocation or suspension of beer permits. The beer board shall have the power to revoke or suspend any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. However, no beer permit shall be revoked or suspended until a public

hearing is held by the board after reasonable notice to all the known parties in interest. Revocation or suspension proceedings may be initiated by the police chief or by any member of the beer board. Pursuant to Tennessee Code Annotated, § 57-5-608, the beer board shall not revoke or suspend the permit of a "responsible vendor" qualified under the requirements of Tennessee Code Annotated, § 57-5-606 for a clerk's illegal sale of beer to a minor if the clerk is properly certified and has attended annual meetings since the clerk's original certification, unless the vendor's status as a certified responsible vendor has been revoked by the alcoholic beverage commission. If the responsible vendor's certification has been revoked, the vendor shall be punished by the beer board as if the vendor were not certified as a responsible vendor. "Clerk" means any person working in a capacity to sell beer directly to consumers for off premises consumption. Under Tennessee Code Annotated, § 57-5-608, the alcoholic beverage commission shall revoke a vendor's status as a responsible vendor upon notification by the beer board that the board has made a final determination that the vendor has sold beer to a minor for the second time in a consecutive twelve (12) month period.

8-216. Civil penalty in lieu of revocation or suspension. (1) Definition. "Responsible vendor" means a person, corporation or other entity that has been issued a permit to sell beer for off premises consumption and has received certification by the Tennessee Alcoholic Beverage Commission under the "Tennessee Responsible Vendor Act of 2006," Tennessee Code Annotated, § 57-5-601, et seq.

(2) Penalty, revocation or suspension. The beer board may, at the time it imposes a revocation or suspension, offer a permit holder that is not a responsible vendor the alternative of paying a civil penalty not to exceed two thousand five hundred dollars (\$2,500.00) for each offense of making or permitting to be made any sales to minors, or a civil penalty not to exceed one thousand dollars (\$1,000.00) for any other offense. The beer board may impose on a responsible vendor a civil penalty not to exceed one thousand dollars (\$1,000.00) for each offense of making or permitting to be made any sales to minors or for any other offense. If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn. Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the city may impose.

8-217. Loss of clerk's certification for sale to minor. If the beer board determines that a clerk of an off premises beer permit holder certified under Tennessee Code Annotated, § 57-5-606, sold beer to a minor, the beer board shall report the name of the clerk to the alcoholic beverage commission within fifteen (15) days of determination of the sale. The certification of the clerk shall be invalid and the clerk may not reapply for a new certificate for a period of one (1) year from the date of the beer board's determination.

8-218. Hours of beer sales allowed. (1) For on-premises consumption, beer as defined herein may not be sold on the licensed premises between the hours of 1:00 A.M. and 10:00 A.M. every day of the week. All serving glasses and/or containers must be cleared from tables from the possession of customers at the end of serving hours.



(2) For off-premises consumption, the sale of beer as defined herein shall be permitted between the hours of 10:00 A.M. and 2:00 A.M. every day of the week.

8-219. Violations. Except as provided in § 8-215, any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Each instance of violation shall be punishable separately with cumulatively and each day a violation shall be allowed to continue shall likewise constitute a separate offense.

Section 2:

**BE IT FURTHER ORDAINED**, that every section, sentence, clause, and phrase of this ordinance is separable and severable. Should any section, sentence, clause, or phrase be declared unconstitutional or invalid by a court of competent jurisdiction, said unconstitutionality or invalidity shall not effect or impair any other section, sentence, clause, or phrase.

Section 3:

**FINALLY, BE IT FURTHER ORDAINED** that this ordinance shall take effect from and after the date of its final passage, subject to the time limited provisions set forth hereinabove and until such time as the same shall be further modified, superseded and/or overridden by the City Commission of the City of Red Bank, Tennessee, all being required by the public welfare of the City of Red Bank, Tennessee and shall be forthwith “added” to the printed and electronically preserved and maintained versions of the Red Bank Personnel Policies Manual.

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MAYOR HOLLIE BERRY

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CITY RECORDER

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PASSED ON FIRST READING

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PASSED ON SECOND AND FINAL READING

APPROVED AS TO FORM:

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CITY ATTORNEY

**RESOLUTION NO. 21-1439**

**A RESOLUTION AUTHORIZING THE PURCHASE OF TWELVE (12) SETS OF BODY ARMOR FROM GT DISTRIBUTORS, INC., IN THE AMOUNT OF \$10,152.00 FOR THE POLICE DEPARTMENT**

**WHEREAS**, the City of Red Bank solicited competitive bids for the purchase of body armor; and

**WHEREAS**, three (3) bids were received and considered; and

**WHEREAS**, after reviewing the bids and associated documentation, it was found that the best quote was from GT Distributors, Inc. in the amount of \$10,152.00.; and

**WHEREAS**, the purchase of the body armor is budgeted and funds are available in the Fiscal Year 2022 Operating Budget.

**NOW, THEREFORE BE IT RESOLVED** by the City Commission of the City of Red Bank. Tennessee that the purchase of twelve (12) sets of body armor from GT Distributors, Inc., in the amount of \$10,152.00 be and is hereby approved.

**BE IT FURTHER RESOLVED** that the City Manager or Mayor is authorized to sign the purchase agreement upon approval of the form and content by the City Attorney.

Resolved this 19<sup>th</sup> day of October 2021.

\_\_\_\_\_  
Mayor Hollie Berry (date)

\_\_\_\_\_  
City Recorder Tracey Perry (date)

**RESOLUTION NO. 21-1440**

**A RESOLUTION AUTHORIZING THE CITY OF RED BANK TO PARTICIPATE IN THE SENIOR CENTER GRANT PROGRAM**

**WHEREAS**, the State of Tennessee, Tennessee Commission on Aging and Disability (TCAD) is taking applications for the 2021-2022 Senior Center Grant Program; and

**WHEREAS**, the City of Red Bank would like to apply for grant funds in the amount of up to \$5,000 to be utilized to purchase table, chair and other type storage racks and equipment for the Joe Glascock Red Bank Community Center; and

**WHEREAS**, this is a 100% grant program and would require no local City funds; and

**WHEREAS**, the City of Red Bank now seeks to participate in this important grant program.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF RED BANK, TENNESSEE**, that the City Manager, acting for and on behalf of the City of Red Bank, Tennessee is hereby authorized to submit application to participate in the 2021-2022 TCAD Senior Center Grant Program.

**BE IT FURTHER RESOLVED**, that the City Manager is authorized to sign and execute the Grant Agreement, if awarded, upon approval of the form by the City Attorney.

Resolved this 19th day of October in the year of 2021.

\_\_\_\_\_  
Mayor Hollie Berry (date)

\_\_\_\_\_  
City Recorder Tracey Perry (date)

## RESOLUTION NO. 21-1441

### **A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK, TENNESSEE, ADOPTING BANK FORM RESOLUTIONS AND AUTHORIZING SIGNORS FOR BANK SIGNATURE CARDS**

Be it resolved by the Board of Commissioners of the City of Red Bank, Tennessee as follows:

Section 1. In order to change the signatory parties on all bank accounts of the City at 1<sup>st</sup> Horizon Bank, so as to authorize execution and withdrawals by the Mayor or Vice-Mayor and the City Manager, City Recorder or the Finance Director, and by not less than two of the Officers of the City, hereinafter named:

1. Hollie Berry, Mayor
2. Stefanie Dalton, Vice Mayor
3. Martin E. Granum, City Manager
4. Tracey Perry, City Recorder
5. John Alexander, Finance Director

and to further require that at least one of the signatures on any check or draft shall be one of the elected officials. The Bank Resolution form, copies of which are attached hereto as Exhibit A, are hereby adopted and passed by this Commission as Resolutions of this body

Resolved this 19th day of October in the year of 2021.

\_\_\_\_\_  
Mayor Hollie Berry (date)

ATTEST:

\_\_\_\_\_  
City Recorder Tracey Perry (date)